

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

-----X
ADYB ENGINEERED FOR LIFE, INC.,

Civil Action No.:
1:19-cv-7800

Plaintiffs,

EDAN ADMINISTRATION SERVICES LTD. and
POM ADVANCED ARMOR SOLUTIONS LLC.,

Defendants.
-----X

**REQUEST FOR INTERNATIONAL JUDICIAL ASSISTANCE
PURSUANT TO THE HAGUE CONVENTION OF 18 MARCH 1970 ON TAKING
OF EVIDENCE ABROAD IN CIVIL OR COMMERCIAL MATTERS**

FROM THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN
DISTRICT OF NEW YORK TO THE JUDICIAL AUTHORITY IN THE STATE OF
ISRAEL, GREETINGS:

The United States District Court for the Southern District of New York presents its compliments to the judicial authority of the State of Israel and respectfully requests from the Directorate of Courts of Israel, international judicial assistance in accordance with the Hague Convention of 19 March 1970 on Taking of Evidence Abroad in Civil or Commercial Matters and Israel's International Judicial Assistance Law 5757-1991 (the "Judicial Assistance Law"), to obtain evidence to be used in a judicial proceeding in the above-captioned matter. Specifically, this Court requests that the Directorate of Courts of Israel, by the proper and usual process of your Courts, compel Mr. Shlomo Mizrachi ("Mr. S. Mizrachi"), citizen and resident of Israel, to produce the documents identified below, and to give testimony by deposition regarding the subjects identified below.

Based on the representations made by Defendants EDAN Administration Services, Ltd. (“EDAN”) and POM Advanced Armor Solutions, LLC (“PAAS”), this Court believes that Mr. S. Mizrachi is in possession of documents and information that are relevant for the proper prosecution of the above-captioned matter. This Court also believes that assistance from the Directorate of Courts of Israel would serve to further the international interests of justice and judicial cooperation.

Consistent with Chapter 2 Articles 17, 18, and 19 of the Hague Convention, and to the extent that the Israeli Court deems it appropriate to appoint a private lawyer to assist in taking evidence (pursuant to section 16(b) of the Judicial Assistance Law, the Court respectfully requests that Attorneys Jeffrey E. Michels and Noam Schreiber be so appointed. In addition to being admitted to practice before this Court, Mr. Michels and Mr. Schreiber have informed this Court that they are both admitted to practice law in Israel and also maintain offices at Ben Yehuda St. #34, Migdal Ha’ir 15th Floor, Jerusalem, Israel 9423001 (Tel. 02-633-6300, Fax. 02-672-1767).

1. Sender:	United States District Court for the Southern District of New York 500 Pearl St. New York, NY 10007-1312
2. Central Authority of the Requested State:	The Director of Courts Directorate of Courts Legal Assistance to Foreign Countries 22 Kanfei Nesharim POB 34142 Jerusalem 95464 Israel Telephone: +972 (2) 655 6847 Facsimile: +972 (2) 655 6954 E-mail: Foreign.countries@court.gov.il ;
3. Person to whom the executed request is to be returned:	United States District Court for the Southern District of New York 500 Pearl St. New York, NY 10007-1312

<p>4. Specification of the date by which the requesting authority requires receipt of the response to the Letter of Request:</p>	
<p align="center">IN CONFORMITY WITH ARTICLE 3 OF THE CONVENTION, THE UNDERSIGNED APPLICANT HAS THE HONOR TO SUBMIT THE FOLLOWING REQUEST:</p>	
<p>5.</p> <p>a. Requesting Judicial Authority:</p>	<p>United States District Court for the Southern District of New York 500 Pearl St. New York, NY 10007-1312</p>
<p>b. To the Competent authority of:</p>	<p>The Director of Courts Directorate of Courts Legal Assistance to Foreign Countries 22 Kanfei Nesharim POB 34142 Jerusalem 95464 Israel Telephone: +972 (2) 655 6847 Facsimile: +972 (2) 655 6954 E-mail: Foreign.countries@court.gov.il</p>
<p>c. Name of the case and any identifying number:</p>	<p><i>ADYB ENGINEERED FOR LIFE, INC. V. EDAN ADMINISTRATION SERVICES, LTD., ET. AL. 1:19-CV-07800 (S.D.N.Y.)</i></p>
<p>6. Names and addresses of the parties and their representatives:</p> <p>a. Plaintiff:</p>	<p>ADYB Engineered For Life, Inc. ("ADYB") 14749 71st Road Flushing, New York</p> <p><u>Representative:</u> Henry Cittone, Esq. 11 Broadway, Suite 615 New York, NY 10004 Tel: (212) 710-5619 Fax: (212) 624-0244</p>
<p>b. Defendants:</p>	<p>EDAN Administration Services, Ltd. ("EDAN") Dublin, Ireland</p>

POM Advanced Armor Solutions, LLC
("PAAS")
132 East 43rd St.,
Suite 224
New York, New York

Representatives:

Jeffrey E. Michels, Esq.
Zell & Associates International
Advocates, LLC
350 Fifth Avenue, 59th Floor
New York, New York, 10118-0069
Telephone: (212) 971-1349
Facsimile: (212) 253-4030
Email: jmichels@fandz.com

Noam Schreiber, Esq.
Ben Yehuda St. 34
Migdal Ha'ir 15th Floor
Jerusalem, Israel 9423001
Telephone: +972-2-633-6300
Facsimile: +972-2-672-1767
Email: Schreiber.noam@gmail.com

7.

a. Nature and purpose of proceedings:

b. Summary of complaint:

ADYB alleges that EDAN and PAAS have breached a certain Investment Agreement involving ballistic-related technology. ADYB complains that under the agreements between the parties, EDAN and PAAS owe money to ADYB. In addition, ADYB alleges that EDAN and PAAS no longer have any rights in the patents subject to the agreements and that ADYB legitimately revoked the assignment to those patents.

c. Summary of defense and counterclaim:

EDAN and PAAS aver that ADYB was not entitled to revoke the assignment of the patents to EDAN/PAAS and that such improper revocation constituted a breach of contract, as well as other common law torts. In addition, EDAN and PAAS

	contend that at least one of the patents in question is equally owned by Mr. Edwin Cohen, as a co-inventor.
<p>8.</p> <p>a. Evidence to be obtained or other judicial act to be performed:</p> <p>b. Purpose of the evidence or judicial act sought:</p>	<p>This request is being made to secure documents and testimony from Mr. S. Mizrachi, an Israeli resident and former vice-president of ADYB.</p> <p>The requested documents and testimony are being sought to facilitate the investigation of claims and defenses asserted in the proceedings. Mr. S. Mizrachi is said to have relevant information regarding the circumstances in the establishment of ADYB as well as the circumstances surrounding the drafting and execution of several key documents subject to the current dispute.</p>
9. Identity and address of any person to be examined:	Shlomo Mizrachi 6 Mazol Street Jerusalem, Israel
10. Questions to be put to the persons to be examined or statement of the subject matter about which they are to be examined:	Please see the attached list of the subject matters of the examination at Attachment 1 .
11. Documents or other property to be inspected:	Please see the attached list of documents and/or property at Attachment 2 .
12. Any requirement that the evidence be given on oath or affirmation and any special form to be used:	The witness should be examined under oath or affirmation, or in the alternative, should be instructed of the consequences for the giving of untruthful and false answers under the laws of Israel.
13. Special methods or procedures to be followed:	<p>To the extent allowed under Israeli law, it is respectfully requested that:</p> <p>(1) you cause the witness to provide a deposition on the subject matters listed on Attachment 1, which are relevant to the subject matter of this proceeding, under oath at a time and place you determine, on or before April 30, 2020;</p>

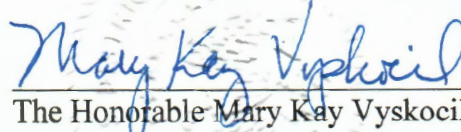
- (2) the parties' representatives or their designees, interpreters, a stenographer, and a videographer be permitted to be present during the examination;
- (3) the parties' counsel be permitted to examine and cross examine the witness;
- (4) a stenographer be permitted to take a verbatim transcript of examination of the witness;
- (5) a videographer be permitted to videotape the examination of the witness.
- (6) there be excluded from the examination, if permitted under Israeli law, all persons other than the attorneys for the parties, the stenographer, interpreters, and other officials of the Israeli court normally present during such proceedings;
- (7) you cause the witness, to produce the documents listed on Attachment 2, which are relevant to the subject matter of this proceeding, no later than thirty (30) days in advance of the examination of the witness.

Documents produced by the witness should be sent to:

Jeffrey E. Michels, Esq.
Ben Yehuda St. 34
Migdal Ha'ir 15th Floor
Jerusalem, Israel, 9423001
Telephone: +972-2-633-6300
Facsimile: +972-2-672-1767
jmichels@fandz.com

14. Request for notification of the time and place for the execution of the Request:	Jeffrey E. Michels, Esq. Noam B. Schreiber, Esq. Ben Yehuda St. 34 Migdal Ha'ir 15 th Floor Jerusalem, Israel, 9423001 Telephone: +972-2-633-6300 Facsimile: +972-2-672-1767 jmichels@fandz.com Schreiber.noam@gmail.com
15. Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request:	None
16. Specification of privilege or duty to refuse to give evidence under the law of the State of origin:	Under the laws of the State of New York, there exist certain privileges in relation to the production of documents and providing of testimony.
17. The fees and costs incurred which are reimbursable under the second paragraph of Article 14 or under Article 26 of the Convention will be borne by:	EDAN Administration Services, Ltd., c/o Jeffrey E. Michels, Esq. Zell & Associates International Advocates, LLC 350 Fifth Avenue, 59th Floor New York, New York, 10118-0069 Telephone: (212) 971-1349 Facsimile: (212) 253-4030 Email: jmichels@fandz.com
18. Date of Request:	April 22, 2020
19. SIGNATURE AND SEAL OF THE REQUESTING AUTHORITY	

Date: April 22, 2020



The Honorable Mary Kay Vyskocil
United States District Court for the
Southern District of New York
Thurgood Marshall United States Courthouse
500 Pearl Street, Room 2230
New York, New York 10007-1312

SEAL OF COURT

ATTACHMENT 1: SUBJECT MATTERS OF THE EXAMINATION

1. The establishment of ADYB.
2. Mr. Shlomo Mizrachi's responsibilities in ADYB.
3. Mr. Shlomo Mizrachi's role in drafting the April 26, 2011 Investment Agreement.
4. Mr. Shlomo Mizrachi's role in drafting the September 21, 2011 Investment Agreement.
5. Mr. Shlomo Mizrachi's relationship with Mr. Hananya Cohen, Edwin Cohen, Danny Turetsky, Craig Schwimmer and Marvin Silverberg.
6. The technology subject to the current dispute, included, but not limited to U.S. Patent application 13/094,851, U.S. Patent application 13/440,033. And U.S. Patent application 14/428,999.
7. The Documents provided in response to the requested documents listed in Attachment 2 below.

ATTACHMENT 2: REQUESTED DOCUMENTS

DEFINITIONS

As used in this Letter of Request, the following terms are to be interpreted in accordance with these definitions:

1. *Communication*: The term “communication” means the transmittal of information, by any means, including, but not limited to the following means of communications: e-mail, SMS, MMS, Whatsapp, Facebook, Facebook Messenger, iMessage, Snapchat, and any other similar mode of communication.
2. *Document*: The terms “document” and “documents” are defined to be synonymous in meaning and equal in scope to the usage of the term “items” in Rule 34(a)(1) of the Federal Rules of Civil Procedure and include(s), but is not limited to electronically stored information (“ESI”). A draft or non-identical copy is a separate document within the meaning of the term “document.”
3. *Relating*: The term “relating” means concerning, referring to, describing, evidencing, or constituting.
4. *Subject matter of this lawsuit*- The phrase “subject matter of this lawsuit” means any matter under dispute in the current proceeding pending in the United States District Court of the Southern District of New York, entitled *ADYB ENGINEERED FOR LIFE, INC. v. EDAN ADMINISTRATION SERVICES, LTD., ET. AL.*, case number 1:19-CV-07800. See above Letter of Request, Item #7-8.

DOCUMENT REQUESTS

1. All Communications between Mr. Hananya Cohen and Mr. Shlomo Mizrachi between 2010 up until the present time, related to the subject matter of this lawsuit.
2. All Documents in the possession of Mr. Shlomo Mizrachi related to the subject matter of this lawsuit.